

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BORIS POGIL,

Plaintiff,

21 **CIVIL** 7628 (LTS)(BCM)

-against-

JUDGMENT

KPMG LLP,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Order dated September 24, 2024 Counts One and Two must be dismissed because of the res judicata effect of a final New York state court decision in Plaintiff's earlier, related litigation. On Count Three, Defendant is entitled to judgment as a matter of law dismissing Plaintiff's FLSA and NYLL claims because the undisputed record establishes that was an exempt professional under both the FLSA and the NYLL. Defendant's motion to set aside pursuant to Federal Rule of Civil Procedure 72(a) is denied as moot. Complaint is dismissed in its entirety and the case is closed.

Dated: New York, New York
September 24, 2024

DANIEL ORTIZ

Acting Clerk of Court

BY:



Deputy Clerk